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6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8  
9 HENRY A. JONES,

CV F 05 307 AWI SMS P

10 Plaintiff,

11 v.

ORDER DISREGARDING MOTION  
(Doc. 17.)

12 MILLIGAN, et. al.,

13 Defendants.  
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15 Henry A. Jones ("Plaintiff") is a federal prisoner proceeding pro se in this civil action.  
16 Plaintiff seeks relief pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of  
17 Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal  
18 actors.

19 Plaintiff filed the instant action on February 24, 2005. On June 29, 2005, Plaintiff filed a  
20 pleading he titled "Motion: Citizen Complaint Demand For Jury Trial." In this document,  
21 Plaintiff indicates that he filed a complaint against CDC personnel for conspiracy to cover up  
22 mail destruction and conspiracy to commit murder and makes a demand for a jury trial. Plaintiff  
23 also attaches a copy of the complaint to the Motion. However, other than his demand for a jury  
24 trial, it is wholly unclear what the purpose of this Motion is. To the extent the Motion seeks to  
25 add new claims and defendants to the action, the Motion would be denied. As a preliminary  
26 matter, the events at issue in the Motion occurred after the filing of this action as they occurred  
27 on March 3, 2005 and thus, the claims appear to be unexhausted.  
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1 Thus, before filing an action in the U.S. District Court, a federal prisoner challenging any  
2 circumstance of imprisonment must first exhaust all administrative remedies. Booth v. Churner,  
3 121 S.Ct. 1819 (2001); see also MacCarthy v. Madigan, 503 U.S. 140, 144-145, 112 S.Ct. 1081,  
4 1086-87 (1992); Western Radio Services Co. v. Espay, 79 F.3d 896, 899 (9<sup>th</sup> Cir. 1996);  
5 Martinez v. Roberts, 804 F.2d 570, 571 (9<sup>th</sup> Cir. 1986); Chua Han Mow v. United States, 730  
6 F.2d 1308, 1313 (9<sup>th</sup> Cir. 1984); Ruviwat v. Smith, 701 F.2d 844, 845 (9<sup>th</sup> Cir. 1983). The  
7 Bureau of Prisons has established an administrative remedy procedure governing prisoner  
8 complaints. The procedure is set forth at 28 C.F.R. § 542.10 et. seq. Thus, any amendment of  
9 the new claims and Defendants to this action would result in their dismissal.

10 Accordingly, the Court HEREBY ORDERS:

11 1. The "Motion: Citizen Complaint" is DISREGARDED.

12  
13 IT IS SO ORDERED.

14 **Dated: January 19, 2006**  
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/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE